

IN THE CLAIMS:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~striketthrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

**Please CANCEL claims 8, 12-19, and 21-22 and AMEND claims 1 and 26 in accordance with the following:**

1. (Currently Amended) A  $\beta$ -glucan derivative having a  $\beta$ -glucan residue of three or more glucose residues and a fructosyl group~~non-reducing sugar residue~~ chemically bound to a reducing end of the  $\beta$ -glucan residue,~~wherein the non-reducing sugar is selected from the group consisting of tetrose, pentose, fructose, glucose, galactose and mannose.~~

2. (Original) The  $\beta$ -glucan derivative according to Claim 1 having 3 to 1000 glucose residues.

3. (Previously Presented) The  $\beta$ -glucan derivative according to Claim 1 having 3 to 450 glucose residues.

4. (Previously Presented) The  $\beta$ -glucan derivative according to Claim 1 having 40 to 450 glucose residues.

5. (Previously Presented) The  $\beta$ -glucan derivative according to Claim 1 having 3 to 39 glucose residues.

6. (Previously Presented) The  $\beta$ -glucan derivative according to Claim 1 having 40 to 450 glucose residues, characterized in that the  $\beta$ -glucan derivative is used as an additive for pharmaceuticals and foods.

7. (Previously Presented) The  $\beta$ -glucan derivative according to Claim 1 having 3 to 39 glucose residues, characterized in that the  $\beta$ -glucan derivative is used as an additive for

pharmaceuticals and foods.

8-9. (Canceled)

10. (Previously Presented) The  $\beta$ -glucan derivative according to Claim 1, wherein a chemical bond between the  $\beta$ -glucan residue and the non-reducing sugar residue is an ether bond.

11. (Previously Presented) The  $\beta$ -glucan derivative according to Claim 1, wherein the  $\beta$ -glucan derivative is powder at ordinary temperature and pressure.

12-22. (Cancelled)

23. (Previously Presented) A pharmaceutical or food composition comprising the  $\beta$ -glucan derivative according to Claim 1 and at least one active ingredient.

24. (Previously presented) A process for producing the  $\beta$ -glucan derivative according to Claim 1 comprising providing a  $\beta$ -glucan and sucrose as substrates and allowing an enzyme to transglucosylate a fructosyl group in said sucrose to said  $\beta$ -glucan.

25. (Previously Presented) The process for producing the  $\beta$ -glucan derivative according to claim 24, wherein the enzyme for use in the transglucosylation is  $\beta$ -fructofuranosidase.

26. (Currently Amended) A process for producing a  $\beta$ -glucan derivative, comprising: providing a  $\beta$ -glucan residue having three or more glucose residues and having a hydroxyl group at a C-1 position of a reducing end of the  $\beta$ -glucan residue; and transglucosylating a C-2 position of a fructosyl group~~non-reducing sugar~~ to the C-1 position of the reducing end of the  $\beta$ -glucan residue using ~~an enzyme~~ fructofuranosidase.

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